

FCC MAIL ROOM

Before the  
Federal Communications Commission  
Washington, DC 20554

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In the Matter of )  
 )  
Request for Review of the )  
Decision of the )  
Universal Service Administrator by )  
 )  
Educational Service Unit #1 ) File No. SLD-328324  
Wakefield, Nebraska )  
 )  
Schools and Libraries Universal Service ) CC Docket No. 02-6  
Support Mechanism )

**ORDER****Adopted: February 5, 2004****Released: February 6, 2004**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Educational Service Unit # 1 (ESU), Wakefield, Nebraska.<sup>1</sup> ESU requests review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).<sup>2</sup> For the reasons set forth below, we grant ESU's Request for Review and remand its application to SLD for further consideration.

2. In its decision, SLD rejected ESU's application for failing to meet minimum processing standards, stating that ESU's FCC Form 471 did not include at least one complete Block 4 Worksheet relevant to the "type of application" as selected in Block 1, Item 5.<sup>3</sup> In its

<sup>1</sup> Letter from Jim Hopkins, Educational Service Unit #1, to Federal Communications Commission, filed July 18, 2002 (Request for Review).

<sup>2</sup> *Id.*

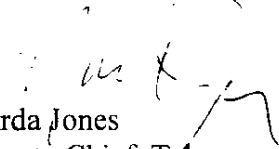
<sup>3</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Jim Hopkins, Educational Service Unit #1, dated June 24, 2002 (Administrator's Decision on Appeal); Letter from Schools and Libraries Division, Universal Service Administrative Company, to Jim Hopkins, Educational Service Unit #1, dated March 1, 2002 (Form 471 Rejection Letter). Funding Year 2002 Minimum Processing Standards provided, "at least one completed Block 4 Worksheet *relevant* to your application type ... must be submitted." See Instructions for Completing the Schools and Libraries Universal Service Services Ordered and Certification Form (FCC Form 471), OMB 3060-0806 (November 2001), at 6 (Funding Year 2002 FCC Form 471 Instructions) (emphasis added). In accordance with Minimum Processing Standards, if an applicant indicated in Block 1, Item 5 that its application type was a school or school district, the applicant was required to submit Block 4 Worksheet A. See Funding Year 2002 FCC Form 471 Instructions at 13. Similarly, where an applicant indicated that its application type was a consortium, the applicant was required to submit a completed Worksheet C. See Funding Year 2002 FCC Form 471 Instructions

FCC Form 471 application, ESU indicated that it was a consortia in Block 1, item 5 and submitted Block 4 Worksheet A (discount calculation worksheet for schools and school districts).<sup>4</sup> ESU did not submit a Block 4 Worksheet C (discount calculation worksheet for consortia). In its Request for Review, ESU admits that it failed to submit the Worksheet C, but asks the Commission to reconsider its amended application, which includes Worksheet C.<sup>5</sup>

3. Upon review of the record, we grant ESU's Request for Review. In the *Western New York Regional Information Center Order*, the Bureau determined that an applicant in Funding Year 2002 filing a consortium application could have reasonably determined that a completed Worksheet A satisfied the relevant worksheet requirement.<sup>6</sup> We therefore reverse SLD's decision and remand ESC's application to SLD for further processing in accordance with this Order.

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Educational Service Unit #1, Wakefield, Nebraska on July 18, 2002 IS GRANTED and its application is remanded to SLD for further consideration in accordance with this order.

FEDERAL COMMUNICATIONS COMMISSION

  
Narda Jones  
Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau

at 17, 18. Pursuant to these procedures, SLD deemed that the *relevant* worksheet for a consortium application was Worksheet C although this was not stated in the FCC Form 471 instructions.

<sup>4</sup> FCC Form 471, Educational Service Unit #1, filed January 15, 2002.

<sup>5</sup> Request for Review.

<sup>6</sup> *Request for Review of the Decision of the Universal Service Administrative Company by Western New York Regional Information Center, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File Nos. SLD-328966, 327289, 329244, 328892, 327366, CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd. 9692 (Wireline Comp. Bur. 2003).